

# PAY APPEALS

## NEU Guidance for members in England and Wales

*This document provides advice on identifying the grounds for a pay appeal and provides further advice on how members might run a successful pay appeal.*

### What we say

When you read through this document you may have questions about what happens in your particular school or workplace and there may be collective issues that affect other members. In most circumstances, you should initially discuss the matter with your workplace rep, as they will know whether similar concerns have been raised by other members. If you do not have a rep at the moment, it would be a good idea to get members together to elect one. Further advice on this is available at:

<https://neu.org.uk/becoming-a-rep>

Although you may sometimes feel that you are the only person affected by or concerned about a particular issue, in reality this is seldom the case. Any difficulties you may experience are likely to be linked to wider conditions at your workplace and as a member of the NEU you have the advantage of being able to act collectively with your colleagues. This should give you the confidence of knowing that you have the weight of the Union behind you.

***NB – This document refers to the School Teachers’ Pay and Conditions Document (STPCD). Teachers employed in local authority maintained schools are statutorily covered by the provisions of the STPCD. Many academies and academy chains also employ teaching staff according to terms of the STPCD, but they are not obliged to do so (except in the case of teachers whose STPCD rights are protected by TUPE legislation following the school’s transfer to academy contracts). Members working in academies should check with their NEU rep or should refer to their contracts in cases of doubt.***

This self-help document should be used in conjunction with the [NEU Pay Toolkit](#) which includes a much fuller guidance document on pay appeals.

### Does my school have to have a pay appeals procedure?

All employers must set out procedures for teachers to appeal against pay decisions with which they disagree.

### Where can I find the pay appeal procedure?

For schools, the appeal procedure should be contained within the school’s pay policy which should be available from the Head teacher, the school office or via the school intra-net. For other teachers, it should be obtainable on request via the line manager.

### On what grounds can I appeal against my pay?

You can appeal against any decision that affects your pay. The usual grounds for appeal are that the person or committee by whom the decision was made:

- a) incorrectly applied any contractual provision of the School Teachers Pay and Conditions Document “STPCD” (or, for those teachers whose pay is not determined by the STPCD, any relevant contractual provisions or pay policy)
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

Not all of the above grounds for appeal have to be met in order to make an appeal.

### **Are there any prescribed procedures for making an appeal?**

Appeals must comply with statutory requirements and ACAS guidance. This would be the usual process:

1. You receive written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If you are not satisfied, you should seek to resolve this by discussing the matter informally with the decision-maker. Where this is not possible, or where you continue to be dissatisfied, you may follow a formal appeal process.
3. You should set down in writing the grounds for questioning the pay decision (which must relate to the grounds as set out above) and send it to the person (or committee) who took the decision. They should provide a hearing to consider this and give you an opportunity to make representations in person.
4. Following the hearing you should be informed in writing of the hearing’s decision and the right to appeal. Any appeal should be heard by a panel of three governors not involved in the original decision, again giving you the opportunity to make representations in person.
5. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include the reasons for the decision which will be final.

This document does not address the various possible subjects of an appeal. If your inquiry is specifically about e.g. TLR payments, safeguarding or pay progression, then please see separate NEU section guidance on these matters. For detailed guidance on pay appeals, please refer to the [NEU pay progression toolkit](#).

### **Where should I go for further advice and support?**

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU AdviceLine, or the NEU Wales office instead. Their details may be found at <https://neu.org.uk/contact-us>.

### **Further Resources**

Further NEU guidance on school teachers' pay generally can be found at <https://neu.org.uk/help-and-advice/pay>. Pay advice for teachers working in Sixth Form Colleges or employed as Soulbury Officers is also available at the same link.

The 2020 School Teachers' Pay & Conditions Document is available at <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>.

The School Teachers' Pay and Conditions (Wales) Document 2020 is available at <https://gov.wales/school-teachers-pay-and-conditions-wales-document-2020>

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